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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/316,651	05/21/1999	DR. NORM FAIOLA PH.D.	270P109	8093

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EXAMINER	
NGHIEM, MICHAEL P	
ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 05/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/316,651	FAIOLA PH.D. ET AL.	
	Examiner	Art Unit	
	Michael P Nghiem	2863	

-- The MAILING DATE of this communication appears on the c ver sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 March 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *225-329* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *225-288 and 308-329* is/are allowed.

6)☒ Claim(s) *289-294,296,299,301-303 and 305* is/are rejected.

7)☒ Claim(s) *295,297,298,300,304,306 and 307* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

The Amendment filed on March 5, 2003 has been acknowledged.

Specification

1. The disclosure is objected to because of the following informalities:

- "22'" (page 11, line 14) and "22"" (page 11, line 16) should be -- 21" --.

- "18" (page 12, line 13) should be -- 38 --.

- after "bits" (page 13, line 2) should insert -- 56 --.

- "37" (page 15, line 4) is not a sensor element.

- "68" (page 19, line 13) should be -- 66 --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 299, 301, and 302 are rejected under 35 U.S.C. 102(e) as being anticipated by Kashimoto et al. (US 6,137,095).

As best construed, Kashimoto et al. discloses all the claimed features of the invention including:

- a monitoring system (Figs. 22-25) comprising:

a sensing subsystem comprises first and second sensing devices (69, 72, 73), each generating at least one data stream (heating/cooking information via 9, Fig. 25);

- a processing subsystem (33) for receiving and processing said data stream (Fig. 25), and said processing subsystem adapted to encrypt said at least one data stream to form an encrypted data stream corresponding to said at least one data stream (column 20, lines 5-11),

- wherein said at least one sensing device is mounted at an interior of a refrigerator (72);

- said sensing subsystem includes a central transmitter (31) in communication with each of said plurality of sensing devices (Fig. 23), and wherein said central transmitter is further in communication with the processing subsystem (Figs. 24, 25);

- wherin said first sensing device is in an interior of a refrigerator (72), and said second sensing device is a portable temperature sensing device (69).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 289, 292-294, 296, and 305 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashimoto et al..

Kashimoto et al. further discloses:

- said sensing subsystem includes a sensing apparatus for sensing characteristics of food stored in a plurality of food serving or storage containers (cooking chambers 27);

- said system is configured so that said sensing subsystem wirelessly transmits said at least one data stream to said processing subsystem (column 13, line 66 – column 14, line 3).

Even though Kashimoto et al. does not disclose said processing subsystem is adapted to compress at least one data stream from said sensing devices, Kashimoto et al. discloses that the Internet can be used as a means for exchanging information between the sensing devices and the processing subsystem (column 14, lines 3-7).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to compress data from the sensing devices for the purpose of saving memory when communicating data over the Internet.

Claims 290, 291, and 303 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashimoto et al. in view of Schulling (US 5,044,914) and Dehn (US 4,237,731).

Kashimoto et al. does not disclose that the sensing devices are in the form of a probe, fork, knife, or spoon.

However, Schulling discloses a spoon (Figure) for the purpose of handling food and at the same time monitoring the temperature of food, while

Dehn discloses a probe (Fig. 5) for the purpose of sensing food temperature in a microwave.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Kashimoto et al. with a spoon and probe as disclosed by Schulling and Dehn for the purpose of handling food and monitoring the temperature of food.

Allowable Subject Matter

4. Claims 295, 297, 298, 300, 304, 306, and 307 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 225-288 and 308-329 are allowed.

Reasons For Allowance

6. The combination as claimed wherein said processing subsystem is adapted to at least one of either date stamp or time stamp said data stream (claims 239, 253, 298, 306) or data corresponding to an identifier of said device (claims 225, 253, 295, 304) or said processing system is adapted to output on said display graphical indicia indicating each of said sensing devices which has been connected to said system (claims 261, 285) or said processing subsystem is configured to determine whether a data stream received therein corresponds to a sensing device which is newly added to said system (claims 297, 307, 308) is not disclosed, suggested, or made obvious by the prior art of record.

Respons to Arguments

7. Applicant's arguments have been considered but are traversed as discussed above.

Applicants did not respond to the objections to the specification.

With respect to the new claims 289 and 299, Applicants argue that they contain allowable subject matter contained in the cancelled claims 47, 110, 131, 148, 169, 176, 183, 190, 197, 204 and 67, 91, 106, 122, 142, 164, 224 respectively.
Examiner's position is that new claims 289 and 299 are different from the cancelled claims because the cancelled claims are not rewritten in independent form to include all of the limitations of the base claim and any intervening claims. For example, regarding claim 289, claim 63 is not rewritten in independent form to include the limitations of claim 3.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

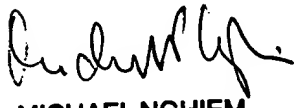
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



MICHAEL NGHIEM
PRIMARY EXAMINER
Michael Nghiem

May 12, 2003